

ANDOVER BOARD OF HEALTH
Minutes
March 10, 2008, 6 P.M.
1st Floor Conference Room
36 Bartlet Street

The Board of Health meeting was called to order at 6:02 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **February 4, 2008**

Motion by Ms. Martin, seconded by Ms. Kruse to approve the Minutes of the Meeting of February 4, 2008. Unanimous approval, with Dr. Miller abstaining because he was not present at the February 4, 2008 Board of Health Meeting.

II. Appointments & Hearings

- **6:00 p.m. – Public Hearing – Draft Sewer Regulations** – The Board held a Public Hearing at a previous Board of Health Meeting in the Fall; however, on the advise of Town Counsel concerning Hearing requirements, Mr. Carbone published legal advertisements on February 28, 2008 and March 6, 2008 to re-hold the Hearing. Ms. Martin opened the Hearing and Mr. Carbone stated that the Sewer Regulations were updated and ready for approval. Mr. Carbone stated “These Sewer Regulations are being amended to update them to modern technical standards, and to create an administrative framework for their enforcement. They are required as Title 5 of the State Environmental Code does not adequately regulate municipal sewer systems” Mr. Carbone then asked to hear any comments. There were no comments received, and no vote was needed. Ms. Martin closed the Hearing.
- **6:15 p.m. – Society of Friars for 459 River Road – Variance to Title V** – Mr. Ed Doherty, developer, and Mr. Kevin Hill were present. Mr. Carbone explained that the Friary no longer houses 200 brothers as in the past; that now there are only six to eight there at a time. Mr. Carbone explained that he recommended approval of the construction of the system subject to the following conditions:
 - A. The design plans used for this approval shall consist of:
 - a. Proposed Sewage Disposal System, revision date of 2/12/08 and stamped by Ralph R. Romano, Jr., R.P.E. (2 pages).
 - b. Easement and Parking Layout, Franciscan Center, dated March 25, 2005 and prepared by Couco and Cormier Engineering Associates, Inc.

- c. Building and Lot Sketch by Global Engineering Consultants, Inc. date stamped February 20, 2008, Basement and First Floor Plans dated 3/22/90.
 - d. Basement and First Floor Plans dated 3/22/90.
- B. The use of the facility shall be in strict conformance with the uses outlined in these plans, limited to 10 bedrooms, 11700 square feet of office space, and a 100 seat sanctuary. Use of any other additional space, or use of this space in any other manner, is strictly forbidden.
- C. If there is a change in use of the facility, it will be incumbent upon the owners at the time to evaluate the septic system capacity and provide a written report on that capacity and use.
- D. The approval of this design does not indicate or guarantee that the system will function as designed.
- E. Prior to the issuance of a construction permit, this notice shall be filed at the Registry of Deeds to run with the property, and will be binding to all current and future owners, unless amended by this office. Said amendment must be filed with the Registry of Deeds.
- F. The applicant is responsible for all costs incurred in filing this paperwork.
- G. All construction work shall be completed by April 30, 2008 (Note: the following was added at Board of Health Meeting due to possible weather constraints), “unless an extension is mutually agreed upon”. The applicant is responsible for ensuring that a Certified Asbuilt Plan and installer’s certification are submitted by that date.

After discussion, the Board decided that the conditions and restrictions placed upon the upgrade of the septic system were sufficient to ensure that any changes in occupancy would be addressed, the work would be completed in a timely basis, and that this was the best solution to a failing system that has had ongoing problems.

Motion by Dr. Miller, Seconded by Ms. Kruse to approve the Septic System design as stated above, with the addition of “unless an extension is mutually agreed upon” to point G, due to possible weather constraints. Unanimous approval.

- **6:30 p.m. – The Ninety-Nine Restaurant – Appeal of Orders** – Ms. Kim Tipert and Mr. Thomas Wilburn were present to represent the Ninety-Nine Restaurant. Mr. Carbone explained that the only action being requested for appeal was the requirement that the seating be decreased to the original approval to not exceed ninety (90) seats. Mr. Cabone explained that the septic system at the Ninety-Nine Restaurant has had problems for several years, and the system is currently being inspected on a daily basis and pumped when necessary. There is a new septic

system being designed and the restaurant hopes to keep their seating as is during that time. They are hoping to design a new system that can accommodate more seating, but there are also issues with other departments which dictate what size seating their establishment can have. The Board was assured that the timeline ordered by Mr. Carbone for the replacement of the septic system would be feasible, but there could be some slight delays because of the weather. If the new system cannot be designed to accommodate more than ninety (90) seats, this appeal for the increased seating capacity cannot be guaranteed by the Board of Health to continue.

Motion by Dr. Miller to grant the appeal by allowing the seating capacity to remain as is with the understanding that the system will be pumped every other day and inspected on a daily basis, seconded by Ms. Kruse. Unanimous approval.

III. Discussion

- **FY09 Budget** – Mr. Carbone provided the Board of Health with a copy of the PowerPoint presentation the Division Heads gave to the Board of Selectmen and the Finance Committee for the Community and Development budget requests. Discussion followed concerning cuts that could be made such as not re-filling open positions, eliminating Preventative Maintenance in favor of repairs only, cutting back on consultant fees, and eliminating any requests for additional personnel.
- **Town Meeting Articles** – Mr. Carbone submitted several Articles that he thought the Board might be interested in making a recommendation on. After discussion, decisions to endorse or not to endorse were reached as follows:

- **Article P18, Revolving Accounts** **Yes**

Motion by Ms. Martin, seconded by Ms. Kruse to endorse Article P18 concerning Revolving Accounts. Unanimous approval.

- **Article P25, Stormwater Management Bylaw** **Yes**

Motion by Ms. Kruse, seconded by Dr. Miller to endorse Article P25 concerning the Stormwater Management Bylaw. Unanimous approval.

- **Article P40, Shawsheen River Outfall Sewer** **Yes**

Motion by Ms. Kruse, seconded by Dr. Miller to endorse Article P40 concerning the Shawsheen River Outfall Sewer. Unanimous approval.

- **Article P49, Ledge Road Landfill Closure** **Yes**

Motion by Ms. Martin, seconded by Dr. Miller to endorse Article P49 concerning the Ledge Road Landfill Closure. Unanimous approval.

◦ **Article P59, Residential Anti-Blight Bylaw**

No Position

Motion by Ms. Martin, seconded by Dr. Miller to state that the Board of Health finds no public health benefit to a Residential Anti-Blight Bylaw and will neither endorse nor oppose the amendment to the General By-laws. Unanimous approval.

- **MA Public Health Regionalization Project** – Mr. Carbone informed the Board that the latest report was well received from the Health Officers. Legislation would have to be changed for easier collaboration. One of the benefits would be the reopening of the State Regional Offices which would put State staff back into the region. Mr. Carbone does not foresee combining Andover's Health Department with another because the size of the Town is large enough that the full department is needed. Smaller towns like Groveland, Georgetown or Newbury would benefit by sharing inspectors. The main concern is if the State has funds to support this. The long-term goal is to get State funding instead of funding with fees and to avoid creating another unfunded mandate.
- **Merrimack Valley Pediatric Asthma Report** – Ms. Martin stated that she had noted the Soundoff column in the Eagle Tribune had several comments that were negative to the results of the study that stated that car emissions were a greater threat than the emissions from incinerators. Mr. Carbone stressed that the general public doesn't always understand particle size, and that the small particles from car emissions are worse than the large emissions from incinerators. The rates were higher in certain areas such as Haverhill and Lawrence because they have more dense population due to apartment housing while some of the surrounding areas do not. Ms. Kruse commented on the study's conclusions: "if higher asthma rates are due to proximity to major roads, do the higher asthma rates in the Merrimack Valley mean that more people live closer to major roads in the Merrimack Valley than elsewhere?" Mr. Carbone also stated that this report did not take indoor air quality into consideration.
- **Set April, May, June Meeting Dates** – The Board decided on Monday, April 7, Monday, May 12, and Monday June 9 for the next Board of Health Meetings.

IV. Old Business

- **Adopt Camp Regulations** –Mr. Carbone explained that there was a minor update to the language in the regulations, and that the main change deals with Chicken Pox issues. If any member of the Camp staff is not vaccinated and there is a case of Chicken Pox, that staff member will have to be excluded from camp. Mr. Carbone sent the revised regulations to Town Counsel Attorney Urbelis who had no comments. Mr. Carbone recommended the Board approve the revised Camp Regulations.

Motion by Dr. Miller, seconded by Ms. Kruse to adopt the revised Camp Regulations. Unanimous approval.

- **Hazard Mitigation Plan** – Mr. Carbone informed the Board that his contact at Washington Park was meeting with the association to discuss the amendments Tom forwarded to him, but has not responded back yet. Mr. Carbone is prepared to take the plan to the Town Manager to get the plan adopted at the Board of Selectman Meeting. A plan needs to be adopted in order for the Town to receive possible FEMA mitigation funding. Mr. Carbone will update the Board at the next meeting.
- **Hoarding Task Force** – Mr. Carbone informed the Board that he and Ms. Jane Morrissey, Public Health Nurse, attended a Hoarding Seminar in February and learned that coming down hard on people with this problem only made matters worse and did more harm than good. If the property is cleaned up and the underlying problems are not addressed, the hoarding continues. There are presently resources available from Elder Social Services for residents 60 years of age or older, but not for younger residents. Mr. Carbone would like to approach the issue as a mental health issue instead of a criminal one. There is an active Hoarding Task Force in the region, and Mr. Carbone has assigned Ms. Patty Crafts, Health Agent, to represent the Board. Mr. Carbone hopes to actively pursue grants that may provide help for residents under the age of 60.
- **Sharps Disposal** – Mr. Carbone stated that, at this time, we inform the public to secure sharps in a thick detergent bottle and dispose of them in the regular trash. There is legislation prohibiting this practice, and soon the practice will be banned. One solution would be to take them in to the Health Division where a fee could be charged for disposal. Dr. Miller expressed concern that a fee may be hard on some citizens such as diabetics who could inject themselves two to three times a day. Another concern is that people may throw their sharps away rather than pay a fee for disposal. Other solutions include the utilization of a regional collection site, possibly in Lawrence, or a provision that pharmacies take back sharps that they sold. Mr. Carbone stated that he would work on a couple of ideas and bring a proposal back to the Board.
- **Risk Based Food Inspections** – Mr. Carbone was pleased with the reaction of the High School students and reported that some have shown an interest in working on this project.
- **Salt Shed Update (Not on Agenda)** – Ms. Martin asked for an update on the Salt Shed. Mr. Carbone informed the Board that the Advisory Committee is trying to get a permit for monitoring wells on the Salt Shed site, and that the permit had been mailed out. Mr. Carbone is waiting for a return call from Patricia Levenworth for an update.

V. Subdivision Definitive Plans

- N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following Local Upgrade Approval:

- **104 Bailey Road – LUA to Allow SAS 4’ Above Water Table Where 5’ is Required**

Unanimous approval.

B. B.S.I.P. – Ratify:

Ms. Martin moved to ratify, seconded by Ms. Kruse. The Board voted unanimously to ratify the following BSIP’s:

50	Hidden Road	TM	78	TL	23A
15	Ivana Drive	TM	86	TL	20
14	Lincoln Street	TM	89	TL	35C
416	South Main Street	TM	62	TL	33

Unanimous approval.

C. S.S.A.P – Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following SSAP’s:

9	Crenshaw Lane	TM	88	TL	97
15	Crenshaw Lane	TM	88	TL	95
20	Crenshaw Lane	TM	88	TL	85
21	Crenshaw Lane	TM	88	TL	92
28	Crenshaw Lane	TM	88	TL	1103-105A
29	Crenshaw Lane	TM	88	TL	1403-105A
34	Crenshaw Lane	TM	88	TL	1203-105A
35	Crenshaw Lane	TM	88	TL	1304-105A

Unanimous approval.

D. S.S.U.P.– Recommend Approval:

- N/A

E. B.S.R.P. – Recommend Approval:

Ms. Martin moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following BSRP:

2	Tech Drive	TM	166	TL	15
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Unanimous approval.

VII. Staff Reports

A. Director's Report:

- **Public Health Week** – Mr. Carbone spoke about the evening program concerning hoarding disorder which will be held at the Doherty Auditorium on Tuesday, April 8, 2008. Elder Services will be speaking at the two hour program. The Public Health Nurses will be offering clinics on Zostavax and other immunizations. There will also be a table set up on the second floor of the Town Offices with a display and free pamphlets concerning a variety of health topics.
- **219 Holt Road Complaint** – Mr. Carbone explained that when a drainlayer was putting in a sewer line, he damaged the drainage line on Holt Road causing water damage. The homeowner hired a contractor to do the work, but he was not the same contractor who put in the sewer line. The homeowner is now trying to collect on his insurance and is not very pleased because things are moving slowly. Mr. Carbone wanted to be sure the Board was aware of the situation.
- **Andover Inn** – Mr. Carbone informed the Board that the old management has left the Andover Inn and Matthew Morello from Savour Kitchen is running the restaurant now. There is an issue with the Liquor license, because the previous management still has the permit and only one permit may be issued at time. The Liquor License has to be transferred or revoked before a new one can be issued.
- **CVS Construction** – Mr. Carbone informed the Board that there was an issue with the contractor who did not use appropriate dust covering, but that the issue has been resolved.
- **Medical Reserve Corps** – Mr. Carbone informed the Board that there has been a change in the structure and they are in the process of revamping the MRC. The Andover MRC has split with Haverhill and joining back with them is not an option, and there is a new Health Director in Reading, so it looks like Andover will become the host community. Joanne Martel, Assistant Health Director, will be working more

closely towards overseeing the management changes. Bioterrorism money could be used initially, but eventually the MRC will have to be self-funding.

- **Important Dates:**

- April 7 through 11 – Public Health Week
- April 7 – Public Health Week Presentation
- April 18 through 27 – Director's vacation

B. Nurses' Report for January and February, 2008 – The February Nurses' Report was not available, so the report will be on the April Agenda. The January Nurses' Report was for informational purposes only.

C. Inspectors' Reports for January and February, 2008 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports:

- N/A

IX. Adjournment

Motion by Ms. Martin, seconded by Ms. Kruse, to adjourn at 8:11 p.m. Unanimous approval.